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ADVANTAGES OF RESOLUTION CONFERENCES

- Fair
- Voluntary
- Neutral
- Confidential
- Enforceable
- Do not require waiver of any legal rights
- Concentrate on interests rather than positions
- Expedite resolution
- Foster a continuing relationship
- Reduce the time and costs of protracted administrative and legal proceedings

Department of the Treasury

Alternative Dispute Resolution Program During the Formal Process: Resolution Conferences



RESOLUTION CONFERENCES

What is a Resolution Conference?

Resolution Conference is a form of Alternative Dispute Resolution (ADR) that is offered by the Department of Treasury for selected EEO complaints.

Resolution Conferences are confidential meetings conducted by a Resolution Official, without charge, for the purpose of resolving EEO complaints. The Resolution Official helps the parties voluntarily agree to an acceptable resolution of the complaint. The Resolution Official will not issue a formal decision on the merits of the EEO complaint, nor will he or she impose a resolution on the parties.

May a party to an EEO complaint be required to participate?

1. Participation is strictly voluntary.

At what point in the administrative process will a Resolution Conference take place?

In cases in which it is offered, the Resolution Conference generally will be held after an investigation has been completed and the Investigative File disseminated to the parties. Holding the Resolution Conferences at this stage allows the facts of the alleged discrimination to be assessed as a way of promoting settlement.

Who is permitted to attend a Resolution Conference?

The Complainant and a representative of the Department should attend. The person representing the Department will be familiar with the facts of the complaint and will have the authority to bind the agency to a settlement agreement. In addition, the parties may bring an attorney or other representative of their choice.

What procedures will the Resolution Official follow in conducting the Resolution Conference?

The Complainant and the Management Representative will be permitted to present brief opening statements. The Resolution Official will then present an assessment of the Investigative File, identify strengths and weaknesses of the case, and offer the parties resolution options. The parties will then discuss the options, and otherwise engage in settlement negotiations.

How long will a Resolution Conference last?

Resolution Conferences will be completed in one session, which is expected to last from one to five hours.

Is a settlement agreement reached during a Resolution Conference legally enforceable?

Yes. Once the agreement is written and executed by all parties, it will be enforceable.

What happens if no resolution is reached?

Processing of the complaint continues without regard to the fact that no resolution was reached. Complainants waive their rights by participating in the Resolution Conference.

RESOLUTION OFFICIALS

Who may serve as a Resolution Official?

Resolution Officials may be contract mediators, shared neutrals, employees of another federal agency, or a member of the Treasury Complaint Center staff who has not been involved in the processing of the formal complaint. They are neutrals who function specifically to aid the parties in resolving the controversy. They have no official, financial or personal conflict of interest with respect to the interests in the controversy.

What ADR qualifications do Resolution Officials possess?

All Resolution Officials have received training in mediation, the Resolution Conference process, the Civil Service Reform Act, personnel regulations and EEO laws and theories.